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Trial of Joseph T. Buckingham. 1822.

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# **CORRECT STATEMENT**

AND

## **REVIEW**

OF THE

**TRIAL OF JOSEPH T. BUCKINGHAM,**

FOR AN ALLEDGED LIBEL

ON THE

**REV. JOHN N. MAFFIT,**

BEFORE THE HON. JOSIAH QUINCY, JUDGE OF THE

MUNICIPAL COURT, DEC. 16, 1822.

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"He takes my life who takes the means whereby I live."

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BOSTON :

PUBLISHED BY WILLIAM S. SPEAR, NO. 4, SPEAR'S BUILDINGS,

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1822.

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DISTRICT OF MASSACHUSETTS TO WIT:

*District Clerk's Office.*

BE IT REMEMBERED, that on the thirtieth day of December, A.D. 1822, in the forty seventh year of the Independence of the United States of America, William S. Spear of the said District, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, *to wit*:

A correct Statement and Review of the Trial of Joseph T. Buckingham, for an alledged Libel on the Rev. John N. Maffit, tried before the Hon. Josiah Quincy, Judge of the Municipal Court, Dec. 16, 1822.

*"He takes my life who takes the means whereby I live."*

In conformity to the act of the Congress of the United States, entitled, "An act for the encouragement, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned; and also to an act entitled, "An act supplementary to an act, entitled, An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the arts of designing, engraving and etching historical, and other prints.

JOHN W. DAVIS,

*Clerk of the District of Massachusetts.*

"I will nought extenuate, or set down aught in malice."

TO investigate truth, and expose falsehood, to paint the charms of one, and the deformity of the other, make each man pleased with his situation, and rejoice at the happiness of his friend, will ever be truly meritorious, and receive universal applause. Truth is often perverted in our highest tribunals, as well as by the way; and even witnesses, who ought to be as immaculate as the lot of humanity will admit, are often clothed with infamy. Thousands have lost their *lives*, *characters* and *property*, as Naboth was deprived of his vineyard by *false witnesses*. Some men, when they can discover a spot in a person's character, will spread it like a Leprosy over his whole body.

"To err is human—to forgive, divine."

The God of Nature does most truly scan,  
The motives, not the actions of a man.

The above observations have resulted from the strong excitement which has taken place in this city, from the late trial, the COMMONWEALTH vs. JOSEPH T. BUCKINGHAM—a trial, we should say, of secondary consequence—a trial, which should not have operated against any one, has been made the trumpet to sound the alarm—endeavoring to consign Mr. MAFFIT "to the tomb of the Capulets." Many of the assertions which have been made ought to have been buried in the grave of oblivion, and been blotted from the records of the county. No blame can attach to Mr. BUCKINGHAM for making his defence—it was a duty he owed to his wife and children, neither does Mr. MAFFIT say ought against him; and the writer of this, rejoices he was acquitted. Thus much must be said in favor of Mr. MAFFIT—that he had no agency in the complaint—



it was done by some zealous partizan, who might have wished to aid him, or injure Mr. BUCKINGHAM. It is very astonishing, that a man losing his cause, should be hunted down like a wild beast of the forest.

Mr. MAFFIT came to this country with a fair, uncontaminated reputation, in the year 1810. He came to a quarter of the Globe which has ever been the asylum of the wretched, persecuted, and distressed. Mr. MAFFIT has been in holy orders for more than three years, and visited the first cities, villages & hamlets in the United States, where he has been considered an eloquent advocate of good morals and religion—he has long resided in this city, which ever has been distinguished for correct principles, diffusive liberality, and the most generous feelings of the soul. Will this city, thus renowned, give a man up to be buffeted, and endure the “pelting of the pitiless storm,” without aid or protection? *It cannot, will not, must not be!*

It is true he is an Irishman—a nation that can boast of as many great men, as any part of Europe. They can enroll a CASTLEREAGH, a WELLINGTON, a GRATTAN, a CURRAN, and many other Statesmen and Orators, in their temple of fame. Should he not, as a foreigner, be received with cordiality and respect? Let any one answer who is without fault, and “let him throw the first stone” who has a right to judge of the principles and motives of Mr. MAFFIT.” Our Saviour says, “Judge not, lest you be judged”—“God knoweth the heart.” Should it be asked to the opposers of Mr. MAFFIT if their breasts had a window, if some spots and blemishes might not be discovered? “Who liveth and sinneth not.”

We have received with distinction many of the bloody adherents of the merciless Bonaparte, and yet wish to destroy the man who preaches the doctrine of the Prince of Peace.

There is not a more deleterious a vice in society than slander. It destroys social intercourse, injures domestic happiness, and too frequently produces the foulest crimes—"Calumny the fairest character strikes." Whoever attended this trial must have been pleased with the manly, and undorned manner in which Mr. MAFFIT gave "a plain, unvarnished tale of his whole course." There was no hesitation; no equivocation in his testimony—it carried conviction to the mind—truth and justice was discoverable in every line; and the friends of Mr. BUCKINGHAM must have trembled for the result. The scene was suddenly changed, and the colouring altered by the testimony of ALEXANDER JONES, Jr. The question will naturally arise—who is this Mr. JONES? He is from Providence, has been in holy orders as an Episcopalian Clergyman about *three months*. This man was once the bosom confidential friend of Mr. MAFFIT. Did he come to this city to aid his old friend MAFFIT, or to ruin him? Facts are stubborn, and will speak for themselves. JONES lived in the State of Rhode-Island, beyond the reach of process of the Municipal Court—in a criminal cause JONES' deposition could not have been taken. He must have come, either for gain, or from worse motives; and altho' he may not be now amenable, if he has done wrong, he will be answerable "in another and a better world." Some part of JONES' testimony, the writer thinks was irrelevant to the cause in which he was sworn—such as "Mr. MAFFIT having been a Tailor," his "preaching Mr. Walker's Sermon," were either of them a crime? The celebrated Dean Swift once observed—"That most sermons would be better if the young clergyman borrowed more." In some part of JONES' testimony, he has been grossly mistaken—"that Mr. MAFFIT communicated his disbelief in Christianity." Mr. MAFFIT must have been an idiot to have made such a statement—it would be digging a pit for himself—it would be like a man, pruning a tree, and cutting off the limb on which he stood. His living, and the support of his wife and children,

depended on a different declaration. We only say Mr. JONES was mistaken! we do not mean to say any thing against Mr. JONES—for "Brutus was an honorable man." Evidence is that which convinces the mind. This statement is contradicted by Mr. MAFFIT—why should he be doubted, and JONES credited? Answer who can. Most of young JONES' testimony is contradicted by JONES, senior, who testifies to the regular, delicate conduct, and pious deportment of Mr. MAFFIT. Col. JOSHUA B. WOOD, testifies clearly, and with force, the same. Judge MARTIN states that he never knew any thing against him. He also states, Mr MAFFIT "preached often—was much engaged, and was impressive and solemn in his devotions." Mrs. MERRITT, swears that JONES, Jr. told her "that he *knew nothing* against Mr. MAFFIT, except by report." How do these witnesses most clearly prove the mistakes of JONES, Jr. and should strengthen the hands and exertions of Mr. MAFFIT's friends. There is one witness against a cloud of witnesses in MAFFIT's favor. Is a man who loses his cause by one witness, to be hunted from society, deprived of his support? it never will be suffered by the citizens of our common country. His life is almost at hazard, for, as the poet of nature says,—

"He takes my life, who takes the means whereby I live."

Judge QUINCY's charge was such as ever ought to come from the altar of justice. It was able, impressive, eloquent and logical—It was just such an address to the Jury as every man who had a cause in court would be pleased to hear; for it was not possible to tell on which side his feelings leaned. The audience as well as the parties were delighted with it. The Jury had strong doubts, or why were they absent five hours without agreeing? The Jury undoubtedly did right—they could not have any wish to do wrong—they acquitted the defendant. Mr. BUCKINGHAM was pleased—who can wonder? yet he ought to think himself fortunate, as many a man who has gained a cause, might have lost it on less evidence.

Is it not wonderful ? Is it not passing strange ? that Mr. MAFFIT, who has been on our shores for several years, had never his depravity before discovered ? Was it left to ALEXANDER JONES, Jr. to draw the curtains aside, and say his employment and usefulness was lost ?

Search scripture—examine the records of our own country, and you will not find one solitary instance where an individual has been used with the contumely, abuse, and disrespect, on the testimony of a single witness, as Mr. MAFFIT. Let it be asked the intelligent and discreet, to examine impartially what are the crimes alledged against him. It was said Mr. MAFFIT was a Tailor. Is this a crime ? O no, have not many of the first characters in our favoured country, arose from obscure families and small beginnings ? They say he has preached other persons sermons—is this sufficient to destroy him ? forbid it liberality and common sense. Have not some of the most respectable clergymen in America done the same, without it's being considered a vice ? It is said he once played cards ten minutes—is this a very crying sin ? it cannot be—it is as harmless to use painted paper for amusement, as to make marks in the sand. He has also been accused for carrying down part of a dance—tell me who can, what crime could attach to this ? the man who can, must be a severe puritan. Has he been accused of preaching false doctrine ? No, never—intemperance, adultery, or profanity ? Never. Let Mr. MAFFIT be examined in every point of view, he must, and will be found guiltless as it respects the libel trial. He has already suffered much, and his family, it is apprehended, will have to suffer more from poverty in a New-England winter. If he should be forsaken by his friends, it will be the bitterest cup he will have to drink. This made the suffering Nazareen, cry out with all the weakness of a cradled infant—“ Oh ! my Father, why hast thou forsaken me ! ”

Slander, in our country, is one of the most prevalent vices. This is "the destruction that walketh in darkness"—this is "the pestilence that wasteth at noon day." The most distinguished of our Patriots and Statesmen have not been exempted from the poisonous and Asp-like tongue of the slanderer, The GREAT WASHINGTON, during the Revolution, and afterwards, was villified, and attempted to be stung, by these reptiles of slanderers! The venerable ADAMS, was called an "hoary headed traitor—A man of the first water as a Patriot; and if any advantage has resulted to us as a Nation, from our emancipation from Great Britain, will ever receive the gratitude and praise of the present and future generations. What has been said of Governor HANCOCK, Governor GERRY, Governor SULLIVAN, and many other distinguished citizens? More than *can* be, or *ought* to be narrated. If the above statement is true, why should Mr. MAFFIT complain? I trust the arrows of his opponents will fall harmless at his feet, and that he will be restored to public favour.

Most of the misery which attends us in our journey through life, arises from our conduct towards each other; were we to follow the new commandment of the Prince of Peace, "to love one another," the world would blossom with the rose of Paradise, and a serene sun scatter the tempest of life. Fatal experience teaches, that man too frequently riots on the best feelings of his fellow-man, and greedily devours every tale of slander, which aims at the destruction of the fairest reputation. Neither age, sex, or situation, are free from the malicious insinuations of a "back-biter"—from the deadly and destructive effects, which are ever produced by an "inventor of evil things." Such a man is more detestable than a robber, equally to be avoided as the mid-night assassin. These no-business busy-bodies, fiend like, in imitation of their Arch-fellow traveller, rove from place to place, from house to house, with the poisons of Asps under their tongues, seeking what

unfortunate man or woman's character they can destroy ! They glut themselves with the ruin of others even to luxury ! and revel like Cannibals on their own species ! Who would envy the feelings of such a man ? Can he with confidence raise his eyes to the Father of Benevolence and Mercy, and say, have mercy on me, as I have had on others ? Can he say, I have done to others, as I would have others do to me ? Can his bed at night be a bed of ease, when he reflects, that on the preceding day, he has endeavored to ruin and destroy ? Will he not, like a man tortured with a guilty conscience, turn from side to side, seeking rest and finding none ? Can he eat his bread in peace ? Can he drink his wine with cheerfulness, when he reflects, that many men, better than himself, have, by his malicious arts, been deprived of those favors which he now enjoys ? Think then, slanderer, whoever thou art, what answer thou can give for thy injury towards others ? We are commanded to love one another." There is not any precept more forcibly inculcated in the sacred volume of truth, than good fellowship, social feeling, friendly intercourse, and love towards each other. We should reflect, as Christians, and endeavour to cultivate good and sound principles, and to approach as near as possible to the inimitable character of the Almighty, who is emphatically styled the God of Love.

We think Mr. MARRIT's conduct the opposite to any thing like hypocrisy or imposture, in any shape. His fault is, to be too open, frank, and unsuspecting. The villain, on the contrary, is systematic in all his movements, slow in his advances to the reciprocation of sentiment or feeling—he starts at his shadow, and fears lest, in his slumbers, the secret of his soul should escape him. His plan is to appear fair and smooth, to arrange and to study, to avoid the very appearance of evil, and to temper all his words, looks, and actions with the nice precision of the Pharisee, who "makes clean the outside of the cup and platter." His is truly the calculating scheme—

he strictly weighs the effects and consequences that may be the probable result of an unguarded hour, and is by this reserved and demure behaviour, never betrayed into moments of softness lest he might destroy that very foundation, on which he wishes to raise his fame, attract applause, and give an unfair specimen of his character to the world.

Mr. MAFFIT might have said that he could not preach so well, or feel so well, where no excitement existed, as when urged forward by popular applause. This is natural. Where is the man without it? or exists there on earth, that being whose cold heart never throbbed with delight, or burned with rapture, when his fellow-men applauded, especially when such applause was elicited by honourable exertion which is praise-worthy, laudable ambition.

As to Mr. MAFFIT's profession when in Ireland, that is irrelevant from our purpose; we conceive that he has sufficiently explained his meaning when he stated—"I am as much a *journeyman* Tailor as a Play Actor." We ask, would it be policy on Mr. MAFFIT's side, to deny that which had been so manifest, and so publicly disseminated throughout a great portion of our country? if he did do so, of which we have no positive proof, it must have been in the lapse of thought or he waved the subject in order to give a more clear and perfect explanation of the mystery which involved the fact—that he *was*, and he *was not* a Tailor.

We have heard of Mr. MAFFIT's preaching, and from what we can learn, from those who have attended his public administrations, his matter, manner and delivery are original; nor do we believe he ever preached one of Mr. WALKER's Sermons.

Mr. MAFFIT's conduct since he landed on our shores, must convince the most prejudiced mind, of his sincerity and uprightness of intention. Can that man be a deceiver and a hypocrite, who presents himself as a candidate for private mem-

bership to a respectable body of Christians—gives a plain statement of facts relative to his past life, and proposes that his character may be formed from his future good conduct and behaviour—who after a suitable time spent in religious devotions, according to the discipline of the Church in whose bosom he had taken refuge—appears as a Minister of Christ under its auspices, travels abroad through a region where he is closely watched and scrutinized—his words marked, and his actions scanned—returns to New-York, preaches to crowded houses in that city, where he had laboured for an honest maintenance, and strange to relate, (that is if he be an impostor) he is invited to reside in the family of Mr WALTER PHILIPS, one of the partners in the respectable House where he had been employed.

After this we find him again in Connecticut, pursuing his undeviating course with astonishing success. Ask the citizens of our sister State to give in their testimony of his general deportment—of his unwearied, and almost continual exertion in the cause in which he had engaged.

Does he shun our cities, towns, and villages, no matter how extensive or varied their population, their prejudices, or their feelings? Has he ever been known to strike at the root of civil or religious liberty? or to embroil those whom he addresses in Sectarian disputes, or points of doctrine foreign from the grand object of his mission, the conversion of souls, the union of saints, and the extension, and general prosperity of Christ's Kingdom. Can we not state from the most indubitable authority, that from the time he commenced his Ministerial duties in this city he has preached and attended religious meetings, to the number of *seven hundred and sixty and upwards* !\*

\* Entered Boston, September 16th, 1821.



Are not these stubborn facts, which none would be hardy enough to controvert; and can this man be insincere, who has been in labours more abundant than they all? who has with boldness and fearlessly encountered the gaze of the multitude the finger of scorn, and the unprovoked malice of cruel persecutors? Were he such as is represented, would he not seek some unfrequented section of our land, and there locate his powers, lest by exposure he should be detested in his demoralising course, and dragged to light by myrmidons of vengeance? The Redeemer declares that men love darkness rather than light because their deeds are evil. But this Rev'd Gentleman is known and read of every man, he stands forth in the front of the ranks nor shrinks from the most distinguished and dangerous posts—with the steady courage of a faithful minister of the Son of God, he rushes to the thickest of the fight, and without reservation announces the terms of Reconciliation to a World in arms against its Sovereign, opposes the popular vices of the day, defends with unshaken firmness the sacred banner of his Prince. Allow us to ask our highly respected citizens, are such things to weigh lightly with them, respecting the character given us of this stranger? How must we account for such opposite principles actuating the same being—the one christianity, the other infidelity—The first operating in an apparently well directed influence over his public exercises, and that in a powerful effective manner—the last discernable only in this one instance. We repeat it—this solitary instance, yet producing no direct effect—making no converts to its vile system. Men may talk, and scandal and writers of scandal may scatter their firebrands abroad among the publick, but the pavilion of God will shield the innocent, and their infuriated rage will only waste itself in beating the air. If he is an Impostor, we would consider him second to none, but Pandemonians Chief—for from the time Mr. Jones makes him confess his manifold sins and iniquities—we trace him to Connecticut, disseminating the doctrine that he is said to *disbelieve*, preaching to the good people of Bridge-

port and laboring in a number of the adjacent towns, erecting churches, and building up that very cause which he secretly despises, ridicules and hates. This is monstrous—it is unaccountable—in what instance do we find Satan fighting against Satan—sin warring against sin—the kingdom of darkness subduing the kingdom of darkness—error destroying error—hypocrisy detecting hypocrisy—infidelity ranged against infidelity? and yet 'tis strange 'tis passing strange—these phenomena emanate from Mr. Maffit—appear as the prominent features of his character—delineated by the late trial, and given to the world as his perfect likeness. *O tempore! O mores!*

Again Mr. M. returns to Providence—what, to Providence!!! the theatre of his villany—will the murderer seek detection—will he hazard the scrutiny of those whom he has injured, or in the broad blaze of day venture to tarry on the very spot where he had committed the foulest deeds of darkness—will he not rather fly to the shelter of some lonely desert or bury his hated presence in oblivion's blackest shade. Does Mr. M. preach in this town of all others the most to be shunned by him, because here he met with a false friend, the direst foe to human kind—where a banditti of well educated men were on the scent to hunt him down with pitiless scribbling, and slanderous reports of we know not what? Does he follow the example of his revilers? or vomit out his spite and ill will against his enemies, could this be substantiated, then indeed his pretensions to religion would be solemn mockery, the sacrilege of all her pious rites—but we are gratified to state, that his was rather the conciliating, the forgiving disposition—emphatically speaking, he prayed for his murderers, those “who digged a pit for his soul.” Can his most inveterate opposers, say ought against him in this particular? Would Mr. Jones himself wish to speak on this point? We think not, as he must inevitably suffer by the comparison.

\*Of this band of truly magnanimous Heroes we are not prepared to speak—that such a combination exists, no doubt can be entertained—termed “*The Committee of Five.*”

Did Mr. M. seek for opportunities to criminate those who assailed his reputation, with a design 'to blast the excellence they could not reach,' and sully the fame of an unoffending individual? Is he the real instigator of the late trial—the prosecutor, as the Editor of the Galaxy, so plainly and without the slightest foundation in truth, *affirms*? If we are rightly informed, and we are conscious that our authority is undoubted. Mr. M. has in every instance and in the beginning rejected all invitations to punish his adversaries or stoop to the littleness of revenge, and not until the pressing solicitations of his friends roused him did he attempt to use the means offered to him for self-defence. He was not therefore the Agent in this affair. Doubtless his mind was occupied by higher and more honorable sentiments. Absorbed in the vast concerns of his lofty calling, and engaged in the service of that Being whose first and last precept was—Love—that charity suffereth long and is kind—that thinketh no evil—behaveth itself not unseemly—but with its pure and spotless robe covers the imperfections of mankind and hides their faults from the jaundiced eyes of hypocritical professors. We are ready to conclude from what we have developed in a just, fair, and impartial review of Mr. M's, general character, that he has been grossly misrepresented—that what are evident marks of ingenuousness and bear the very impress of honest frankness have been distorted by men who indeed know him not, can neither estimate his qualities or reciprocate his feelings—we ardently hope that he will continue unmoved, amid the elemental war of envious critics, and like the sun—silent—unostentatious yet progressing in a wide and extensive circle, enlightening the minds of those who "*sit in darkness and in the valley of the shadow of Death,*" evangelizing thousands of our fellow countrymen.

We are happy to find that the Libel fever has abated; and as passion yields to reason, the citizens will wonder how they could have been wrought up to such enthusiasm in favor of eith-

er of the contending parties. It should satisfy the friends of Mr. BUCKINGHAM, that he has been triumphantly and honorably acquitted. No man should wish to rise <sup>on</sup> the ruins of his fellow-man, punishment is made for correction, not for destruction. If Mr. M. is the man that young JONES represents him, he has deservedly fallen, like the leaves of Autumn shaken by the blasts of Heaven, never to rise again. If mistakes, misrecollection, or misrepresentation marks his testimony, which time, the faithful narrator and discloser of events will shew, MAFFIT will arise from this furnace of persecution, like gold doubly refined. If, as Gamaliel said, "these things are of God, they will prosper; if of the Devil, they will come to nought."—This trial has excited an interest in various parts of New-England, not from its magnitude—only because you find a strong feeling in Massachusetts—never was a time when more could be said in exemplification of the old adage—"behold how large a fire a little spark kindleth." If Mr. MAFFIT is a deceiver in sheep's clothing, let him be stripped and turned out into the world's wide waste, and may he have no protector except the Almighty—no covering except the Heavens.—It should be recollected that the best and fairest fruit on a tree in an orchard is the most likely to be shaken and stoned. If Mr. MAFFIT is the man held up to public view, he does not even merit opposition—let him alone and he will wither and die of himself. Opposition often makes a man of consequence, which if left alone would be of ephemerean growth. Has there ever been a man of popular talents, in Church or State, who has not been abused and slandered? Answer, men of intelligence and observers of human nature.—"Meres conscia recti," is a solace which never can be taken from us—will be a constant and lasting support against the attack of any man or set of men on earth. How can a man look up to the Father of every good and perfect gift, and say, "Father forgive my trespasses," when he will not forgive a trespass in his fellow-

man ? Before a man condemns another, he should be careful that he has not a *beam* in his own eye, before he attempts to take the *mout* from his brother's. It is painful to think of what distress may happen to Mr. MAFFIT and his young family from this relentless persecution—yet God, who ‘ tempers the wind to the shorn Lamb,’ will protect him ; and although he may sigh “ for those days which may never return,” yet if innocent, Heaven will guard him and his young offspring, from the beating “ of the pitiless storm ;” and although his passage in life may be short and rough, his abode in Heaven will be calm and eternal. We now close our observations with the sweet Poet of Nature :—

“ He who steals my purse, steals trash ;  
 ’Twas mine, ’tis his, and has been slave to thousands :  
 But he who filches from me my good name,  
 Robs me of that which not enriches him,  
 But makes me poor indeed.”

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